

**SUNNYSIDE ORCHARDS #4, BLOCK 16, LOT 25A, AP (LORDS)
EXPEDITED MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER:

John Lavey *JPL*

**REVIEWED/
APPROVED BY:**

Renee Van Hoven *rvh*

PUBLIC MEETING:

BCC Site Visit:

November 13, 2006

BCC Public Meeting:

November 16, 2006

Deadline for BCC decision (35 working days):

November 23, 2006

APPLICANT:

Ron Lords
245 Locust Lane
Moise, MT 59824

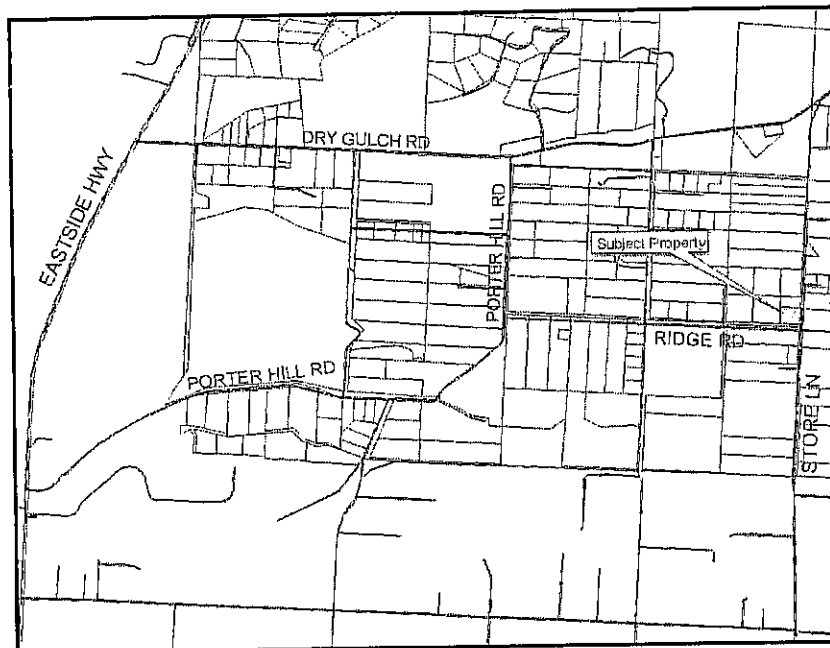
OWNER:

Thomas Gacek
586 Ridge Road
Stevensville, MT 59870

REPRESENTATIVE:

Applebury Survey, 961-3267
Terry Nelson
914 Highway 93
Victor, MT 59875

LOCATION OF REQUEST: The property is located northeast of Stevensville off Store Lane and Ridge Road. (See Map 1)



Map 1: Location Map
(Data Source: Ravalli County Planning Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Lot 25A, Block 16, Sunnyside Orchards #4, located in the NW1/4 of
Section 32, T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on October 2,
2006. Agencies were notified of the subdivision and comments
received by the Planning Department are Exhibits A-1 through A-4 of
the staff report.

LEGAL NOTIFICATION:

No legal advertisement is required of expedited minor subdivisions.
Notice of the project was posted on the property and adjacent
landowners were notified by certified mail postmarked October 16,
2006. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant rural
North	Residential & agricultural
South	Agricultural & residential
East	Residential
West	Residential

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

OCTOBER 16, 2006

SUNNYSIDE ORCHARDS #4, BLOCK 16, LOT 25A, AP (LORDS)
TWO-LOT EXPEDITED MINOR SUBDIVISION

RECOMMENDED MOTION

That the Sunnyside Orchards #4, Block 16, Lot 25A, AP Expedited Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question which are included as exhibits to this document (the applicant shall include the exhibits as attachments). (*Effects on Public Health and Safety*)

Notification of Irrigation Ditch/Pipeline Easements. Within this subdivision there are irrigation easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows irrigation pipelines and easements on the property. The irrigation district which supplies the water to this property must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act which damages or destroys a ditch/pipeline, interferes with its operation or maintenance in any way, or restricts access to the ditch/pipeline so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. (*Effects on Agricultural Water User Facilities*)

Notification of Common Access Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the common access and therefore does not assume any liability for improper maintenance or the lack thereof. A Common Access Maintenance Agreement for this common access was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

Limitation of Access onto a County Road. A "no ingress/egress" restriction is located along the Store Lane and Ridge Road frontages of the subdivision, excepting the approach to the common access that is approved by the Ravalli County Road and Bridge Department, which precludes vehicular access onto these County-maintained roads. This limitation of access may

be lifted or amended with approval of the County. (*Effects on Local Services & Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. (See Exhibit A-1 for required provisions.) (*Effects on Wildlife and Wildlife Habitat*)

Waiver of Protest to Creation of RSID/SID. Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. (*Effects on Local Services*)

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. (*Effects on Natural Environment*)

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. (*Effects on Public Health and Safety*)

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lot(s). (*Effects on Natural Environment*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. (*Effects on Public Health and Safety*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Fire District has adopted the Uniform Fire Code (UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the accessing road as soon as construction on the residence begins. (*Effects on Local Services & Public Health and Safety*)

Access Requirements for Lots within this Subdivision. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. (*Effects on Local Services and Public Health and Safety*)

Amendment. The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. The final plat shall show a no ingress/egress zone along the Store Lane and Ridge Road frontages of the subdivision, excepting the approach for the Common Access on Ridge Road, as approved by the Road and Bridge Department. *(Effects on Local Services & Public Health and Safety)*
5. The applicant shall provide evidence that an amount per lot (to be decided by the Board of County Commissioners in consultation with the subdivider and the school districts) has been contributed to the Stevensville and Lone Rock School Districts prior to final plat approval. *(Effects on Local Services)*
6. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the applicant can contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval. *(Effects on Local Services & Public Health and Safety)*
7. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services & Public Health and Safety)*
8. All existing and proposed irrigation easements shall be shown on the final plat. *(Effects on Agricultural Water User Facilities)*
9. The existing driveway accessing proposed Lot 25-A-2 shall be abandoned prior to final plat approval. *(Effects on Local Services)*
10. The applicant shall provide an additional five feet of easement along the Store Lane and Ridge Road frontages of the subdivision. *(Effects on Local Services)*

INTRODUCTION

Sunnyside Orchards #4, Block 16, Lot 25A, AP is a two-lot expedited minor subdivision proposed on 2.84 acres. The property is located north of Stevensville at the intersection of Store Lane and Ridge Road. It is located in the Stevensville and Lone Rock School Districts and the Three Mile Rural Fire District. Access for both lots is proposed via a common approach off Ridge Road.

Staff is recommending conditional approval of the subdivision.

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 2.84 acres will result in two lots sized 1.42 acres a piece. The property is located approximately eight miles northeast of the Town of Stevensville.
2. There are no soils classified as Prime Farmland or Farmland of Statewide Importance.
3. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat. (Condition 1)

Conclusion of Law:

With the mitigating condition, impacts of this subdivision on surrounding agricultural practices will be minimized.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. The application states that the property receives irrigation water from the Bitter Root Irrigation District (BRID). An existing irrigation pipeline leads to the northern boundary of proposed Lot 25-A-1, as shown on the preliminary plat.
2. The applicant is proposing an irrigation pipeline and 15-foot wide easement along the northern boundary of Lot 25-A-1. To mitigate impacts on agricultural water user facilities, the irrigation easements shall be shown on the final plat. (Condition 8)
3. As a requirement of final plat approval, Section 3-3-4(c)(25) of the Ravalli County Subdivision Regulations requires the approval of the irrigation district when irrigation ditches/pipelines are to be altered.
4. In a letter dated June 16, 2005 the Bitterroot Irrigation District states their approval of the applicants proposed irrigation alteration. (Application)
5. Installation of irrigation infrastructure is required to be completed prior to final plat approval.
6. To notify future property owners of the irrigation rights associated with this property and the role of the Irrigation District and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation ditches and easements shall be filed with the final plat. (Condition 1)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts to agricultural water user facilities will be minimized.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. Threemile Creek Road, Store Lane, and Ridge Road are County-maintained roads that do not meet County Standards. A requirement of final plat approval is that the developer pay the pro-rated share of the cost to improve the portion of these roads providing access to the subdivision.
2. To mitigate impacts on local services, the applicant shall provide for an additional five feet of public road and utility easement along the Store Lane and Ridge Road frontages of the subdivision. (Condition 10)
3. Access for the lots is proposed via a common access off Ridge Road. To mitigate impacts on the local road system, a no ingress/egress zone shall be placed along the Store Lane and

Ridge Road frontages of the proposed subdivision, excepting the approved common access on Ridge Road and a notification of the no ingress/egress zone shall be included in the Notifications Document filed with the final plat. (Conditions 1 and 4)

4. An approach permit approved by the Road and Bridge Department for the common access will be required prior to final plat approval. To mitigate impacts on local services, notification of the common access maintenance agreement shall be filed with the Notifications Document. (Condition 1)
5. To mitigate impacts on local services, the applicant shall abandon the existing driveway that accesses the existing house on Lot 25-A-2 prior to final plat approval. (Condition 9)
6. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
7. Individual wells and wastewater treatment systems are proposed for lots within this subdivision.
8. Bitterroot Disposal provides service to this site.
9. The developer is proposing to contribute \$250 per lot to the School Districts, but did not specify what amount would go to each district. To mitigate impacts on local services, Condition 5 requires that the developer provide evidence of a contribution to the school districts prior to final plat approval. (Condition 5)
10. The Three Mile Rural Fire District has provided the County with their general policy recommendations. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2, 6, & 7)
11. The Ravalli County Sheriff's Office provides law enforcement services to this area.
12. Public services are adequate to serve this subdivision.

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur. (Exhibit A-3) A Certificate of Subdivision Plat Approval from Montana DEQ is required to be submitted with the final plat.
2. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)
3. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within a Montana Fish Wildlife and Parks (FWP) identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. The FWP comment letter recommends including Living with Wildlife provisions in the covenants for this subdivision. (Condition 2)

Conclusion of Law:

With the condition of approval, impacts of the proposed subdivision on wildlife will be mitigated.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The applicant is proposing a common access onto Ridge Road for both lots. The Road Department and Board of County Commissioners have generally preferred fewer accesses onto County-maintained roads. To mitigate impacts on the local road system, and to protect public health and safety, a no ingress/egress zone shall be placed along the Store Lane and Ridge Road frontages of the proposed subdivision, excepting the approved common access off Ridge Road and a notification of the no ingress/egress zone shall be included in the Notifications Document filed with the final plat. (Conditions 1 and 4)
2. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2, 6, & 7)
3. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat. (Condition 1)
4. Lots will be served by individual wells and wastewater treatment systems. (*Natural Environment*)
5. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2 & 7)
6. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
7. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

COMPLIANCE WITH:

- 1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There are no existing covenants on the property.

Conclusion of Law:

Zoning and covenants do not apply to this property.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along Store Lane and Ridge Road.
2. According to the application, the proposed subdivision will be served by NorthWestern Energy and Qwest Telephone. Utility companies have been notified of the proposed subdivision and no comments have been received to date.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via Eastside Highway, Three Mile Creek Road, Store Lane and Ridge Road. (*Local Services*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.



Montana Fish, Wildlife & Parks

EXHIBIT A-1

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
Phone 406-542-5500
June 18, 2005

Steven Lennis
Inland Northwest Consultants
PO Box 1419
Florence, MT 59833-1419

Dear Mr. Lennis:

Reference: Sunnyside Orchards, Lot 25A (#4, Block 16; Gacek)—Proposed minor (2-lot) subdivision; northeast of Stevensville; Threemile Creek area

Normally when Montana Fish, Wildlife & Parks reviews subdivisions, we customize our letter and the proposed covenants to the specific location and circumstances of the subdivision. However, we are endeavoring to catch up with a backlog of subdivisions in Ravalli County that we are currently reviewing. Towards that end and based on our review of the general location of this subdivision and the preliminary plat, we recommend the enclosed covenants for this subdivision to help homeowners deal with and avoid potential wildlife issues.

We thank you for providing the opportunity for MFWP to comment on this subdivision, and we apologize that we could not provide these comments earlier. (Please contact Sharon Rose at 542-5540 or shrose@mt.gov if you wish to receive an electronic version of these comments or covenants.)

Sincerely,

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Karen Hughes, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Bird feeders** attract bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. Residents of this subdivision must recognize the subdivision is located relatively near public hunting areas (such as the Lee Metcalf National Wildlife Refuge) where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from early morning until sunset, and the season can run from September into January.

John Lavey

From: David Ohnstad
Sent: Thursday, October 05, 2006 9:46 AM
To: John Lavey
Subject: RE: Pro-Rata Assesment

EXHIBIT A-2

Store Lane to Three Mile Creek Road to SR203 would be the most likely route.

From: John Lavey
Sent: Tuesday, October 03, 2006 3:43 PM
To: David Ohnstad
Subject: Pro-Rata Assesment

David,

The proposed Sunnyside Orchards, Block 16, Lot 25A, AP expedited minor subdivision is located at the intersection of Ridge Road and Store Lane. Judging from the attached vicinity map, what route would most likely be used to estimate pro-rata?

Thanks,

John Lavey
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
(406)375.6530
FAX: (406)375.6531

10/5/2006

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: *SUNNYSIDE BROOKFIELD HWY, BLOCK 14, LOT 25A*Subdivider/Landowner Name(s): *GACEK*Consultant Name: *RMM ENGINEERING*

EXHIBIT A-3

Date Received: *6-23-06* Sufficiency Review Due Date: *7-25-06*

Yes	No	N/A	Item	Additional Information/Staff comments
			(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.	
<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEH for their \$50.00 sufficiency review fee.	
<input checked="" type="checkbox"/>			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>			(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

RECEIVED

JUL 25 2006

11-06-07-1198
Ravalli County Planning Dept.

Yes	No	N/A	Item	Additional Information/Staff comments
—			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
—			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
—			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
—			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
—			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
—			(i) obtained from well logs or testing of onsite or nearby wells;	
—			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
—			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
—			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
—			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

Morgan J. Jurek RS

Ravalli County Sheriff's Office
205 Bedford Street, Suite G
Hamilton, MT 59840-2853



Chris Hoffman, Sheriff

Kevin McConnell, Undersheriff

EXHIBIT A-4

February 24, 2005

RECEIVED

MAR 01 2005

Ravalli County Planning Office

IC-05-03391

Inland Northwest Consultants
Attn: Steven R. Lennis, P.E.
P.O. Box 1419
Florence, MT 59833

RE: **Agency Comment – Sunnyside Orchards #4
Lot 25A, Block 16 and AP Lots 1 & 2**

Dear Mr. Lennis,

This letter is in response to the above referenced matter relative to the proposed **Sunnyside Orchards #4 Subdivision**. A proposal for a new subdivision is cause for concern for the Sheriff's Office. My comments follow:

1. The safety and welfare of all citizens in Ravalli County, is the highest priority of our agency. Due to the current budget constraints placed upon our office, and manpower shortages, this office is struggling to provide ample service for the citizens of Ravalli County now.
2. With the county population growth leading the state, and no more resources becoming available to the Sheriff's Office, this office may not be able to provide all of the services that the citizens of Ravalli County deserve.

For the above stated reasons, it is my belief that a new subdivision would certainly further impact and adversely affect the ability of the Sheriff's Office to provide Law Enforcement services for this community.

Respectfully,

A handwritten signature in black ink, appearing to read "CH Hoffman".

Chris Hoffman,
Ravalli County Sheriff

CAH:ld

Cc: Ravalli County Planning Board

